THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 17646 OF 2007

Dated 21st August 2007

Between:

Mohd.Ghouse S/o.Mohd.Ishaq Sab

…Petitioner

and

The Deputy Transport Commissioner,
Unit Office, Patancheruvu, Medak District
& another.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 17646 OF 2007

O R D E R:

One, Smt.Shobavathi of Dakulgi village of Bidar District, Karnataka State, was the owner of Tempo Trax Cruiser, bearing No.KA-32-Z-2005, which was seized by the Motor Vehicle Inspector, Patancheruvu, Medak District, the 2nd respondent herein, on 3.8.2007, under the cover of a Vehicle Check Report. It was alleged that the vehicle was plying, without tax, in the State of Andhra Pradesh and a corresponding permit.

Petitioner claims to have purchased the vehicle from the previous owner and got the transfer on 10.8.2007, with an endorsement of Assistant Regional Transport Officer, Bidar.

Alleging that the previous owner paid a sum of Rs.4,225/- towards compounding fee, and Rs.7,560/- towards tax, on 4.8.2007, the petitioner made a representation on 13.8.2007, to the 1st respondent, for release of the vehicle. His grievance is that it has not been released, so far.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

The vehicle was seized, on the allegation that the tax was not paid and that it is not covered by permit. The petitioner asserts that the permit fee was paid and the other violations were compounded. If the payments made by the petitioner are true, the vehicle cannot be detained further. In case, any more steps are required to be taken in law, they can be continued, even after release of the vehicle. The detention of the vehicle under, these circumstances, does not sub-serve the purpose of the respondents, or that of the petitioner. On the other hand, it would expose the vehicle for damage and loss of parts.

For the foregoing reasons, the writ petition is disposed of, directing the respondents to release the vehicle, on being satisfied that the compounding fee of Rs.4,225/-, and a further sum of Rs.7,560/- was paid, and that the transfer of ownership in favour of the petitioner is valid. There shall be no order as to costs.

21st August 2007

Note: Issue C.C. in three days.

(B/0)

PAN